



U.S. House of Representatives Committee on the Judiciary F. James Sensenbrenner, Jr., Chairman

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News Advisory

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Contact: Jeff Lungren/Terry Shawn
202-225-2492

Sensenbrenner Highlights PATRIOT Act Conference Report Civil Liberty Safeguard #21

WASHINGTON, D.C. – With the PATRIOT Act due to expire in 9 days unless the Senate approves the reauthorization conference report, House Judiciary Committee Chairman F. James Sensenbrenner, Jr. (R-Wis.) today highlighted another one of the dozens of civil liberties safeguards included in the PATRIOT Act conference report approved last month by a bipartisan majority of the House and pending before the U.S. Senate.

PATRIOT Act Conference Report Civil Liberty Safeguard #21 – Requiring an Updated Showing of Necessity in Order to Extend the Delay of Notice of a Search Warrant:

Prior to the enactment of the PATRIOT Act in 2001, the U.S. Courts had authorized delayed-notice search warrants under limited circumstances. For these special situations, the PATRIOT Act adopted the Courts' practice of requiring law enforcement to provide notice within a reasonable amount of time after the search has been carried out. Delayed-notice extensions are sometimes necessary and are authorized under current law. **To ensure that a Court considering extending a delay of notice has the best and most up-to-date information, the PATRIOT Act conference report requires an updated show of necessity by the applicant in order to extend the delay of notice of a search warrant.** This new conference report civil liberty safeguard is not found in current law.

Notice has been delayed in only rare cases; as of January 31, 2005, the Justice Department had requested delayed-notice on a search warrant at a rate of less than 1 in 500 since passage of the PATRIOT Act on October 26, 2001.

Delayed-notice search warrants have been a valuable tool used by law enforcement for decades. Like all criminal search warrants, a delayed-notice search warrant is issued by a federal judge only upon a showing that there is probable cause to believe that a crime has been or will be committed and that the property sought or seized constitutes evidence of this criminal offense. **Notice is delayed only to protect an on-going investigation and the safety of the American public.** Not delaying notice could allow a terrorist or criminal to flee the country, destroy evidence about his activity, alert associates to go into hiding, or even kill witnesses who could implicate the individual.

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